IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 28382 of 1997

Dated 24th January, 2007

Between
R.Subramanyam and ors

...Petitioner

and

The Government of Andhra Pradesh, rep. By its Secretary, Revenue Department, Secretariat, Hyderabad and ors.

...Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 28382 of 1997

ORDER:

The petitioners, sixteen in number, have filed this Writ Petition, seeking Writ of Mandamus to declare the action of the respondents in demolishing their houses without issuing prior notice as illegal and arbitrary and for consequential direction to provide alternative accommodation by granting house site pattas.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioners belong to weaker sections and they built their houses in government poramboke land covered by Sy.No.377 of Kudiar village in Anantapur District. It is their case that the said houses were in

existence for the last several years. It is the grievance of the petitioners that the respondents without issuing prior notice, demolished the houses in the month of August, 1997 on the ground that the houses were existing on the road margin. It is their further case that even the District Collector has not taken any action on their representation submitted pursuant to the assurance given by him for providing alternative house site pattas.

Though the Writ Petition is of the year 1997, no counter affidavit is filed. Even the learned Government Pleader appearing for the respondents submits that there are no instructions in the matter.

Though it is the case of the petitioners that constructions were not made on the road margin, but however the issue as to whether the houses were built on the road margin or in poromboke land cannot be gone into in this petition filed under Article 226 of the Constitution of India. Even as per the averment of the petitioners, the houses were built in the government poromboke land and they are entitle for house site pattas, and, even the District Collector gave assurance to provide house site pattas to them. But except the averments, there is no material in support of the same. Whether the petitioners are entitle to house pattas or not, it all depends on their eligibility and policy of the Government. In that view of the matter, I dispose of the Writ Petition permitting the petitioners to make a representation to the District Collector by giving details of earlier demolitions and assurance given to them.

If such a representation is filed, the District Collector shall consider the same.

The Writ Petition is accordingly disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 24-01-2007.
Msnr.